IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :5391 of 1993

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Dated: 21st August 2007.

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Between:

N. Seetharami Reddy, S/o Venkatram Reddy, aged about 47 years, r/o H.No.18-1-108, Kamalanagar, Dilsukhnagar, Hyderabad.

..... PETITIONER

AND

The Appellate Authority & Board of Directors of Nagarjune Grameena Bank, Head office, Khammam and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY

RAMAMOHANA RAO

W.P.NO.5391 OF 1993

ORAL ORDER:

The writ petitioner was an employee of the Nagarjuna Grameena Bank, which is a Regional Rural Bank, established under the Regional Rural Banks Act. He instituted this writ petition calling in question, essentially, the orders passed on 3rd March 1992 by the Chairman and Disciplinary Authority of the Bank imposing on him the punishment of dismissal from service and the orders passed on 5th November 1992 communicating the decision of the Board of Directors, who are the appellate authority, rejecting the appeal preferred by him against the orders of punishment imposed against him.

The appellate authority's order reads in its entirety as under:

> "Dear Sir,
> DISCIPLINARY PROCEEDINGS-
> YOUR APPEAL DATED 20-04-1992
> TO THE APPELLATE AUTHORITY
>
> Please refer to your appeal dated 20-04-1992 against the final orders of the Chairman and Disciplinary Authority inflicting upon you the penalty of dismissal from

> the Bank's Service with effect from 03-03-1992 vide chairman and Disciplinary Authority's letter No.DPC/116/92 dated 03-03-1992.
>
> We xxxxxx advice that the Bank's Board at its meeting held on 31-10-1992, after careful consideration of your appeal upheld the punishment namely "dismissal from the Bank's Service" inflicted upon you by the Chairman and Disciplinary Authority."

Thus, a perusal of the above order discloses that no reasons are assigned by the appellate authority as to why it does not find any merit in the appeal preferred by the writ petitioner impugning the punishment of dismissal imposed against him.

Imposition of a major punishment, such as dismissal from service, visits every employee with consequences as grave as are likely to flow from a civil death. Realizing the gravity of such circumstances, the conditions of service, by which he is regulated, have provided for an appellate remedy to ensure that the principle of fair play in action is applied at all stages while dealing with the employee in question. The appellate authority, under law, is entitled to consider the matter from its factual perceptive as a whole. It is entitled to arrive at conclusions diametrically opposed to the primary

authority's conclusion on appreciation of questions of fact. Therefore, assigning reasons, which enabled the conclusion to be reached, is essential to render any such order, valid. Assigning reasons will be indicative of the application of mind by the appellate authority to all the relevant facts and factors. It would ensure that all the contentions canvassed in the appeal have received the attention necessary from the appellate authority. It would also ensure fairness of treatment. Reasons will dispel any misgivings about the role of irrelevant factors. Therefore, a reasoned order is taken as the reflection of the consideration of the entire matter in its correct perceptive by the appellate authority. Absence of reasons can lead to creeping in of irrelevant criteria or omission of consideration of relevant material, which can be successfully tackled only from the reasons available on the face of the order. Since the present appellate order does not indicate any such reasons, but has preferred to generalize its approach, it does not fit into a valid or sustainable form. I, therefore, have no hesitation to set aside the appellate authority's order passed on 5th November 1992 and remand the matter back for fresh consideration by the appellate authority. Since, the matter is pending for long period of time, it is only hoped that the appellate

authority will consider and dispose of the appeal as expeditiously as is possible, at any rate, preferably within a period of three months from the date of receipt of a copy of the order.

It is open to the writ petitioner to urge before the appellate authority all such contentions, which he has canvassed so far and can also seek to supplement the same with the permission of the appellate authority. He may do so, within a period of thirty days from today.

With these, the writ petition stands disposed of, but however, without cost.

Nooty Ramamohana Rao, J

mrk

21st August 2007.